



AF
ZHW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant/
Real Party in Interest : CAMPBELL, STUART M.

Serial Number : 10/774,738

Filed : 05/16/2005

For : WORKBENCH HOLDER SYSTEM

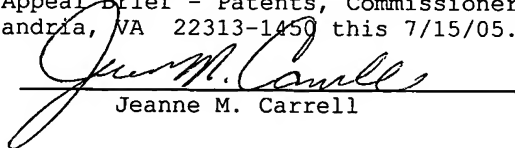
Examiner : FLORES SANCHEZ, OMAR

Group Art Unit : 3724

ATTORNEY DOCKET : CD64/02

CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing Appeal Brief is being deposited with the U.S. Postal Service with sufficient First Class postage addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 this 7/15/05.


Jeanne M. Carrell

Commissioner for Patents
Alexandria, VA 22313-1450

APPLICANT'S APPEAL BRIEF

This is an appeal from the Examiner's Final Rejection of 2/15/2005.

REAL PARTY IN INTEREST

The real party in interest in this appeal is applicant
STUART M. CAMPBELL.

07/20/2005 TBESHAN1 00000010 10774738

01 FC:2402

250.00 OP

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences which will directly affect, or be directly affected by, or have a bearing on, the decision in the pending appeal.

STATUS OF THE CLAIMS

The status of the claims in this application is:

A. TOTAL NUMBER OF CLAIMS IN APPLICATION: 5

Claims originally filed in this application are:

Claims 1 - 5.

B. STATUS OF ALL THE CLAIMS.

1. Claims allowed: None
2. Claims objected to: None
3. Claims rejected: Claim 1
4. Claims cancelled: Claims 2 - 5.

C. CLAIMS BEING APPEALED: Claim 1.

STATUS OF AMENDMENTS

Amendment after Final submitted 4/15/2005, has been entered. Note the Advisory Action of 5/9/2005. Such amendment after final cancelled Claims 2-5, made a clerical correction to Claim 1, and entered a Terminal Disclaimer to overcome a double patenting rejection.

SUMMARY OF THE CLAIMED SUBJECT MATTER

A workbench holder system 132 for the cross cuts of lumber has an electric hand circular saw and portable workbench. First provided is a stop piece 136. The stop piece has a height and a

thickness and a length in a generally rectilinear configuration with a first end 138 having a first angled cut 140 at an obtuse angle and a second end 142 having a second angled cut at an acute angle.

Next provided is a cutting guide 148 and a support bracket 150 each having an inverted L-shaped configuration and each having an elongated horizontal component with an upper surface and a lower surface and a downwardly extending vertical component. The cutting guide 148 has a slot through the horizontal component and a plurality of apertures through the vertical component with a plurality of screws coupling the cutting guide to the stop piece and with the lower surface of the horizontal component in contact with the upper surface of the stop piece. The cutting guide is spaced a short distance from the first end thereof. Note Figures 14 and 15.

The support bracket 150 is in an inverted L-shaped configuration having an elongated horizontal component with an upper surface and a lower surface and of a length shorter than the horizontal component of the cutting guide and a downwardly extending vertical component. The support bracket has an aperture through the vertical component thereof with a screw coupling the support bracket to the stop piece with the lower surface of the horizontal component in contact with the upper surface of the stop piece. The support bracket is spaced a short distance from the second end thereof.

The stop piece and the vertical components of the cutting guide and support bracket all having downwardly extending portions adapted to be secured in a portable workbench vise whereby a generally rectilinear piece of lumber may be brought into contact with the stop piece remote from the vertical components of the cutting guide and the support bracket and beneath the lower surfaces of the horizontal components of the cutting guide and the support bracket for the accurate cross cutting and angle cutting of lumber.

STATEMENT OF EACH GROUND OF REJECTION PRESENTED FOR REVIEW

Claim 1 stands rejected "under 35 U.S.C. 103(a) as being unpatentable over Baker (3,913,440) in view of Castleton (4,598,482) and Volk (4,608,898)."

ARGUMENT

Various claims have been canceled in an effort to expedite the prosecution of this application. Claim 1, directed to the embodiment shown in Figures 12 - 15 remains in the application.

The one remaining rejection is traversed in view of the arguments herein.

Claim 1 stands rejected "under 35 U.S.C. 103(a) as being unpatentable over Baker (3,913,440) in view of Castleton (4,598,482) and Volk (4,608,898)." This rejection is traversed. Although there are similarities between applicants' invention as claimed and the prior art as exemplified by that cited by the

Examiner, there are also significant differences which the Examiner appears to have overlooked.

For example, specifically claimed are two L-shaped members, the cutting guide and the support bracket, each of which is of a different length (lines 19-21) and coupled to a stop piece. Such L-shaped members of different lengths, one of which has a slot (lines 11-12), and coupled to a stop piece is not found in the prior art taken alone or in combination.

In addition, the stop piece is described as having "a first end having a first angled cut at an obtuse angle and with a second end having second angle cut at an acute angle". (Note lines 5-7.) Such a relationship of an obtuse angle and an acute angle is not found in the prior art no matter how the Examiner attempts to combine the references. Angle A and Angle B are both acute angles.

Lastly, specifically claimed is "the cutting guide spaced a short distance from the first end" with the "support bracket spaced a short distance from the second end". Note lines 16, 17, 26 and 27. Such a relationship of spacings of the cutting guide and support bracket with different angled cuts from ends of the stop piece is not found in the prior art whether taken alone or in combination.

It is applicant's unique combination of specific features which is not found in the prior art and which extends the utility

of applicants' invention for its purpose as a work bench holder system.

It would appear that the Examiner has merely gleaned miscellaneous features in the prior art and has attempted to combine them without a teaching for their combination. The only teaching is in applicants' disclosure which, by definition, is not prior art. But even if there were a teaching for the combination, the resulting structure would still fail to anticipate applicants' invention for the reasons set forth herein above.

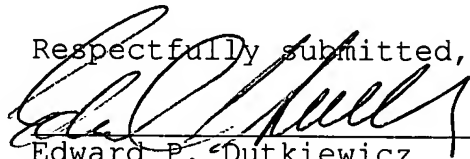
It is deemed that the amendments entered after the final rejection and remarks herein overcome all grounds of rejection. Reconsideration and a Notice of Allowance are requested.

CONCLUSION

In view of the deficiencies of the prior art cited and applied by the Examiner, it is requested that the rejections to the claims be withdrawn and the present application be allowed and passed to issue.

Reconsideration, a reversal of the Examiner's position, and a Notice of Allowance are requested.

Respectfully submitted,



Edward P. Dutkiewicz
640 Douglas Avenue
Dunedin, Florida 34698
Registration No. 46,676
Telephone: 727 734-2855
Facsimile: 727 734-2750

APPENDIX A

What is claimed is:

1. (Rejected) A workbench holder system for the cross cuts of lumber with an electric hand circular saw and portable workbench comprising, in combination:

a stop piece having a height and a thickness and a length in a generally rectilinear configuration with a first end having a first angled cut at an obtuse angle and with a second end having a second angled cut at an acute angle;

a cutting guide and a support bracket each having an inverted L-shaped configuration and each having an elongated horizontal component with an upper surface and a lower surface and a downwardly extending vertical component, the cutting guide having a slot through the horizontal component and a plurality of apertures through the vertical component with a plurality of screws coupling the cutting guide to the stop piece and with the lower surface of the horizontal component in contact with the upper surface of the stop piece and the cutting guide spaced a short distance from the first end thereof;

the support bracket being in an inverted L-shaped configuration having an elongated horizontal component with an upper surface and a lower surface and of a length shorter than the horizontal component of the cutting guide and a downwardly extending vertical component, the support bracket having an aperture through the vertical component thereof with a screw

coupling the support bracket to the stop piece with the lower surface of the horizontal component in contact with the upper surface of the stop piece and the support bracket spaced a short distance from the second end thereof; and

the stop piece and the vertical components of the cutting guide and support bracket all having downwardly extending portions adapted to be secured in a portable workbench vise whereby a generally rectilinear piece of lumber may be brought into contact with the stop piece remote from the vertical components of the cutting guide and the support bracket and beneath the lower surfaces of the horizontal components of the cutting guide and the support bracket for the accurate cross cutting and angle cutting of lumber.

2 - 5. (Canceled)